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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,545	04/14/2000	Shawn Scotzin	REALNET.055A	8286
20995	7590	04/06/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			GRAHAM, ANDREW R	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/550,545	SCOTZIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andrew Graham	2615	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 23 January 2006.

2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 15-19, 25-27 and 29-66 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 15-19, 25-27 and 29-66 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 1/23/2006 with regards to the pending claims have been fully considered but they are not persuasive. Arguments pertaining to claims that have been moot, so far as they argue against the previous rejection in view of new or amended claims that have not been previously considered. New grounds of rejections or application of previous grounds of rejection are listed below.

On page 17, lines 3-4, the applicant has stated, "Johnson does not disclose 'wherein the child node is movable by selecting and dragging the child node in the hierarchical graphical tree library'". The examiner respectfully disagrees. First, it is noted that the rejection was applied under 35 U.S.C. 103. Thus, Johnson is not required to 'disclose' the cited limitation. Rather, Katz in view of Johnson need to suggest such a limitation, which they do. Johnson discloses the dragging and dropping of a visual representation of a disc in order to unmount and eject such a disc (col. 4, lines 43-62). Katz teaches that a user can use the pane 420, which includes visual representations or icons of discs (Figure 4A) in a hierarchical tree to eject (and hence, unmount) a disc, col. 6, lines 47-59. Thus, applying the teachings of Johnson to those of Katz at least suggest the limitation cited above.

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***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 15-19, 26-27, 29-33, 35-43, 45-56, 59-60, and 63-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Katz et al (USPN 6356971), hereafter "Katz".

Katz discloses a system for managing multimedia discs, tracks, and files on a computer.

Specifically regarding **Claim 15**, Katz teaches:

An electronic device (computer system, abstract) comprising:

a memory (location upon which program 200 including 210 and 220 is stored and run, col. 4, lines 42-62) comprising a plurality of nodes indicating music item classifications (for example, disc nodes shown in pane 420, which at least indicate audio CDs of tracks, identifying the format of audio stored thereon, and also may also be filtered to show up only according to Artist, col. 6, lines 23-26; also, 'sony cdj' node and cd nodes underneath indicate audio CDS loaded in changer 120, col. 6, lines 27-31; also, 'absent folders' node indicates offline music items, col. 6, lines 56-59 and col. 8, lines 53-57);

an input device (inherent components as part of computer, such as a mouse, that allows user to perform various tasks, such as control a pane, col. 6, lines 47-59 or click, col. 7, line 48);

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an output device operative to display (display of computer 11, col. 4, lines 8-30; Figure 1) a hierarchical graphical library tree (as evidenced by GUI, Figure 4a, col. 6, lines 9-12),

the hierarchical graphical library tree graphically depicting the nodes (Figure 4a, at least discs are nodes)

one or more of the nodes ('sony CDJ' node) in the hierarchical graphical library tree having a plurality of children nodes (disc and 'absent disc' nodes) that relate to the node (discs may be inserted in device corresponding to 'sony CDJ' node) and/or one or more music tracks (tracks for discs shown in 460) (col. 6, lines 47-59; col.7, lines 41-50),

each node in the plurality of nodes being represented by either a graphical image or text (text and image, Figure 4a);

the output device (computer monitor) having a graphical display (Figures 4A, 4C) indicating (a) a child node of the plurality of children nodes in the hierarchical graphical library tree (such as 'Gloria!' disc and icon), and/or (b) the music track information related to the child node, the child node and/or the music track information being operative to be movable or copyable from a first location (under 'sony CDJ' node) where the child node and/or music track information indicates an association with one of the plurality of nodes in the hierarchical graphical library tree (location of discs, such as Gloria!, under 'sony CDJ' indicates that disc is in slot of changer 120, which corresponds to 'sony CDJ' node; discs may be removed, col. 6, lines 36-59)

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to a second location (under 'absent discs' node) where the child node and/or music track information indicates an association with another of the plurality of nodes ('absent discs' node) in the hierarchical graphical library tree (Figure 4A, col. 6, lines 56-59).

and the moving or copying is operative to be performed in response to a signal (as part of "By controlling" operation) from the input device (means for 'control' as part of the user control in col. 6, line 47) used to indicate a move or copy of the child node and/or the music track (such as Gloria! disc or icon) from the first location (under 'sony CDJ' node) to the second location ('absent discs' node) using the hierarchical tree (as part of 420) (by controlling pane 420, which shows the hierarchical tree and would inherently require some form of input signal in order for a user to 'control' said pane 420, the user can eject a disc, col. 6, lines 47-52; such an ejection of a disc, like Gloria!, would cause the disc to become an 'absent disc', as is noted in col. 6, lines 56-57, which equates that absent discs to removed or ejected discs; Figure 4A, along with the database 230, col. 8, lines 46-65, the teachings of Katz are indicative that ejecting the disc, such as Gloria!, would thus cause the disc or icon graphical element to change locations from under 'sony CDJ' node to the second location 'absent discs' node; thus, this 'By controlling directory pane 420, the user can... eject a CD" meets this amended, added claim limitation)

Regarding **Claim 16**, Katz discloses:

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wherein the hierarchical graphical library tree (in pane 420) comprises at least a playlist node ('sony cdj' node, as interpreted herein) having one or more children nodes (such as 'Gloria!' node) that each are respectively associated with playlists of music items (audio CDs have tracks that may be put on playlists as evidenced by Figure 4C, col. 7, lines 46-67; thus, CD node may be associated with playlists)

Regarding **Claim 17**, Katz discloses:

wherein the hierarchical graphical library tree (in pane 420) comprises at least an artist node ('sony cdj' node, as interpreted herein) having one or more children nodes (such as 'Gloria!' node) that are each respectively associated with a selected author (CD nodes are associated with albums, such as Gloria!, which are in turn related to authors, such as Gloria Estefan, as evidenced by Figure 4a, col. 7, lines 28-33; also, shown discs, such as those under 'sony cdj' node, may be sorted by artist, col. 6, lines 23-26 or limited to displaying selected category, col. 6, lines 2-31; thus, limiting the display 420 to Gloria Estefan would cause 'sony CDJ node' to be the claimed 'artist node', so far as the only disc nodes shown underneath it, per col. 6, lines 27-31, would be those by artist or author Gloria Estefan)

Regarding **Claim 18**, Katz discloses:

wherein the hierarchical graphical library (in pane 420) the comprises at least a genre node ('sony cdj' node, as interpreted herein) having one or more children nodes that are each respectively

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associated with a selected genre (CD nodes are associated with albums, such as Gloria!, which are in turn related to a category, such as rock, as evidenced by Figure 4a, col. 7, lines 28-33; also, shown discs, such as those under 'sony cdj' node, may be sorted by category, col. 6, lines 22-26, or limited to displaying only selected category, col. 6, lines 27-31, wherein sony CDJ would be interpreted as the 'genre node').

Regarding **Claim 19**, Katz discloses:

wherein the hierarchical graphical library tree (in pane 420) comprises at least an album node ('sony cdj' node, as interpreted herein) having one or more children nodes that are each respectively associated with a selected album (CD nodes are associated with albums, which have a title, such as Gloria!, which are in turn related to a title, such as 'Gloria!', as evidenced by Figure 4a, col. 7, lines 28-33; also, shown discs, such as those under 'sony cdj' node, may be filtered by title, col. 6, lines 22-26, or limited to displaying only selected title, col. 6, lines 27-31, wherein sony CDJ would be interpreted as the 'album node').

Regarding **Claim 26**, Katz discloses:

wherein the child node corresponds to a music track stored on a CD ('Audio CD' node corresponds to at least Track01, Figure 4C, tracks stored on CD, col. 7, lines 41-44).

Regarding **Claim 27**, Katz discloses:

wherein the music track information corresponds to a music track stored in a system memory in a compressed data format (tracks or files



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may be copied to hard disk of computer 110, col. 9, lines 44-48 and 61-65; digital file content comprises digital audio files in au format, which is a compressed format, col. 7, lines 57-61).

Regarding **Claim 29**, please refer to the function and properties of the elements cited above in regards to the similar limitations of Claim 15.

Regarding **Claims 30-33**, please refer to the rejection and grounds of rejection cited above in regards to the similar limitations of Claims 16-19, respectively.

Regarding **Claim 35-36**, please refer above to the rejection of the similar limitations of Claims 26-27, respectively.

Regarding **Claim 37**, please refer to the elements cited above in regards to the similar limitations of Claim 15, noting that Katz teaches a program and computer readable storage medium, and notes that the system may be implemented in hardware and software arrangements (col. 11, lines 58-67; col. 15, lines 16-33). It is further noted that the CD nodes of Katz include audio CD icons and album titles, such as 'gloria!' and 'Best of U2', which indicate at least a track, such as the first track on each respective disc, as being available for playback on the computer.

Regarding **Claims 38-41**, please refer to the rejection and grounds of rejection cited above in regards to the similar limitations of Claims 16-19, respectively.

Regarding **Claims 42**, please refer above to the rejection of the similar limitations of Claim 26.

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Regarding **Claim 43**, Katz teaches:

using said client electronic device to retrieve an input signal to indicate a change in the association of one of the plurality of children nodes (response signal or indication provided by inventory, col. 5, lines 20-32),

and wherein the computer readable program code causes said client electronic device (110) to move or copy the display in response thereto (discs no longer in changer 120 can be examined for information, col. 8, lines 53-65; pane 420 enables absent discs to be viewed and 'absent discs' node shown, col. 6, lines 47-59).

Regarding **Claim 45**, please refer to the elements cited above in regards to the similar limitations of Claim 15, noting that Katz teaches a program and computer readable storage medium, and notes that the system may be implemented in hardware and software arrangements (col. 11, lines 58-67; col. 15, lines 16-33). It is further noted that selection of a CD node enables tracks stored thereon to be seen (Figure 4C, col. 7, lines 45-50), which reads on 'receive a signal indicating selection of a first child node' and 'display ... one or more music tracks associated with the first child node'. Katz also teaches that all slots in a changer can be inventoried (col. 6, lines 36-39). Figure 4A illustrates that child nodes under "Sony CDJ" nodes corresponds to slots "[number]". As discs can be moved to different slots (col. 8, lines 53-56), a change in tree display that would be caused by changing, for example, the disc gloria! from slot 01 to slot 14. The inventorying of the slots after such a slot change reads on

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"code for causing the said client electronic device to change the association of at least one of the plurality of music tracks from a first child node of the plurality of children nodes to a second child node of the plurality of child nodes". The selection of this child node (Figure 4C, col. 7, lines 45-50) reads on "receive a signal indicating selection of the second child node" and "display upon said client electronic device, upon selection of the second child node of the plurality of children nodes, the at least one of the plurality of music tracks".

Regarding **Claims 46-49**, please refer to the rejection and grounds of rejection cited above in regards to the similar limitations of Claims 16-19, respectively.

Regarding **Claim 50**, Katz teaches:

wherein the plurality of child nodes correspond to music tracks stored on a CD (each 'Audio CD' node corresponds to at least a track, such as Track01, Figure 4C, tracks stored CDs, such as "gloria!" and "Best of U2: 1980-1990", col. 7, lines 41-44).

Regarding **Claim 51**, Katz teaches:

comprising computer readable program code (code behind GUI 220) for causing said client electronic device to receive an input signal to indicate a change in the association of one of the music tracks (through GUI, audio file from track file list 460 can be associated with collection 495, col. 8, lines 6-14), and

wherein the computer readable program code causes said client electronic device to move or copy the display of one of the music

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tracks in response thereto (audio file icon represents audio files in collection, col. 8, lines 11-13; in further view icon and trackname under 'name' column of 460, Figure 4C and 'name' column in collection list 495, Figure 4D).

Regarding **Claim 52**, Katz discloses:

wherein the input signal corresponds to a user having selected and dragged one of the music tracks (col. 8, lines 20-22).

Regarding **Claim 53**, Katz teaches:

wherein portions of the hierarchical graphical library tree (in pane 420) are displayed on different displays (420 and 430, for example) on the client electronic device (computer system) (430 also shows the CD title, as is shown in pane 420; Figures 4A).

Regarding **Claim 54**, Katz teaches:

wherein the input device is operative to provide an indication of a selection of the music track information (track of selected disc, such as 'Audio Disc' in tree in Figure 4C can be selected for dragging, col. 7, lines 66-67 and putting on playlist), and

the music track information is rendered by the electronic device in response to the selection indication (addition to playlist leads to playback of said track, col. 10, lines 62-67).

Regarding **Claim 55**, Katz teaches:

wherein the second location is in the hierarchical graphical library tree ('absent discs' node is in tree, Figure 4A).

Regarding **Claim 56**, Katz teaches:

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wherein the first location and the second location are in the hierarchical graphical library tree (under 'absent discs' and under 'sony CDJ' are both in tree in Figure 4A).

Regarding **Claims 59 and 60**, please refer above to the rejection of the similar limitations of Claim 54, noting particularly the teachings of the references applied thereto, which also serve as the basis of rejection of these claims.

Regarding **Claims 63-66**, please refer above to the rejection of the similar limitation of Claim 17, noting that the specifying of the artist in col. 6, lines 30-31, reads on eh claimed 'using at least the name of the music artist that corresponds to the child node'.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 25, 34, 44, 57-58, and 61-62** are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz as applied above and in further view of Johnston et al (USPN 5831613).

As detailed above, Katz discloses a system for managing files on fixed and removable media.

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Regarding **Claim 25**, Katz teaches the concept of dragging and dropping icons(col. 7, lines 66-67). Katz also discloses that pane 420, in which the hierarchical tree is located, may be used to mount a CD or eject a CD(col. 6, lines 47-59).

However, regarding the CD nodes shown for example in Figure 4A, Katz does not clearly specify:

- wherein the child node is movable by selecting and dragging the child node

However, the dragging and dropping of such icons, which correspond to nodes in the tree, was a known in the art at the time of invention, as is evidenced by Johnston.

Johnston discloses a system for controlling access to removable storage media in a computer system.

Specifically regarding **Claim 25**, Katz teaches:

wherein the child node (CD-ROM icon in view of CD icons in pane 420 of Katz) is movable by selecting and dragging the child node (col. 4, lines 43-62).

To one of ordinary skill in the art at the time the invention was made, it would have been obvious to incorporate the software based method and functionality of graphically dragging and dropping CD icons, as is taught by Johnston, as part of the operations possible for the icons or nodes in the pane (420) of Katz. The motivation behind such a modification would have been that such a software based unmounting and ejection would have enabled a CD to yet be removed from

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a system, while preventing the disk from being inadvertently removed during improper times, such as when the disc is being accessed.

Regarding **Claims 34, 44, 57, 58, 61-62** please refer above to the rejection and grounds of rejection cited in regards to the similar limitations of Claim 25.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Graham whose telephone number is 571-272-7517. The examiner can normally be reached on Monday-Friday, 8:30 AM to 5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**

*Alh*